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ZONING BOARD OF APPEALS

25 Green Street
IPSWICH, MASSACHUSETTS

Meeting Minutes
June 18, 2015

Pursuant to a written notice posted by the Town Clerk and delivered to all Board members, the Ipswich Zoning Board of Appeals held a meeting on Thursday June 18, 2015 at 7:30 p.m. at the Town Hall, in room A. Members attending were Chairman Robert Gambale, Roger LeBlanc, Benjamin Fierro, Lewis Vlahos, Associate Member Robert Tragert and new Associate Member Becky Gayton. Also, Administrative Assistant to the Board Marie Rodgers. William Page was not present.

Chairman Gambale welcomed new Associate Member Becky Gayton.

Citizen Queries: There were none.

Announcement:

Chairman Gambale announced the Petitioner's request to **withdraw** the Petition for **Special Permit** for **Robert McHugh, 439 Linebrook Road**.

MOTION:

Chairman Gamble moved to grant the request to withdraw without prejudice. Mr. Fierro seconded. The motion passed unanimously.

(hereby incorporated by reference) Request to Withdraw dated June 17, 2015 from Larry Graham H.L. Graham Inc.

Public Hearings:

357 Linebrook Road. Map 27C Lot 015; **Justin McCarthy** requests a **Special Permit** to rebuild an existing structure pursuant to Sections XI-J and VI of the Table of Dimensional and Density Regulations Footnote 2 to reduce the side setback to no less than 21-feet, (47.5%) and requests a second **Special Permit** pursuant to Section II.B.5 to rebuild the existing structure to an area six hundred square feet larger than the original. Chairman Gamble read the legal notice and opened the public hearing at 7:44 p.m.

Larry Graham of HL Graham Associates represented the Petitioner Justin McCarthy, who resides at 6 Emery Lane, Ipswich, MA and currently has a Purchase and Sale Agreement for the subject property. The parcel comprises 2.9 acres and has a frontage of 151-feet; contains an existing two-bedroom dwelling, garage and shed. The property is divided by a wetland line encumbered by the state wetland laws, thereby creating a long narrow lot. The existing dwelling is currently 33-feet from the side setback.

The Petitioner proposes to rebuild and enlarge the existing dwelling, resulting in a reduction of the side setback no closer than 21-feet of the westerly property line. The proposed reconstruction would include an attached garage. The current detached garage and shed would be removed; no trees will be removed.

The Board determined that the existing dwelling that is currently 28 x 50 feet in size would increase to 40 x 50 feet, an increase of no more than 600 sf. The current left side setback of 33-feet of would be reduced to 21-feet.

The Board found it could grant the relief sought by the Petitioner relative to a reduction of the side setback pursuant to Section VI of the Table of Dimensional and Density Regulations Footnote 2 because it is a narrow lot and the structure is non-conforming. The Board further found that it could grant the relief sought by the Petitioner to reconstruct a dwelling larger than the original after a fire pursuant to Section II. B. 5.

Mr. Fierro reviewed the conditions under XI-J and the Board found it met the specific criteria for the issuance of a special permit

The Board found that the relief sought by the Petitioner is consistent with the intent of the Bylaws and will not substantially derogate from their intent and purpose and would have no negative impact on the neighborhood.

The Board determined that the size of the original building 28x50 will increase to 40 x 50 an increase of no more than 600 sf. The existing 33-feet at the left side of the existing dwelling will be reduced to 21-feet. There were no abutters or others who spoke in opposition.

Mr. Fierro moved to close the public hearing. Mr. Gambale seconded, the motion passed unanimously.

MOTION:

Mr. LeBlanc moved to modify the Special Permit issued by the Board on February 25, 2010 to allow the left side setback to be no closer than 21-feet and the rebuilt structure to be no larger than 550 square feet of the original structure; and further, that the Special Permit be valid two years from this date (06/18/2017); referencing plan dated 05/19/2015 H.L. Graham Associates. Mr. Fierro seconded. The motion passed unanimously with a roll call vote. Gambale, yes; LeBlanc, yes; Fierro, yes; Vlahos, yes; and Tragert; yes. (hereby incorporated by reference) Petition and supporting documentation and plan dated May 19, 2015 Graham Associates

3 Cayer Way; Map 37C, Lot 036. **Shawn and Carrie Cayer** requests a **Special Permit** pursuant to Sections XI.J and VI-B and F Table of Dimensional and Density Regulations to construct an Accessory Structure (barn) larger than 750 square feet (2,040 s.f.). Chairman Gamble read the legal notice and re-opened the public hearing at 8:20 p.m. Matthew Cummings, Cummings Architects, Central Street, Ipswich, MA and Attorney Richard M. Kallman, South Main Street, Ipswich, MA were present to represent the Petitioners, who were present as well.

Mr. Cummings submitted a new Plot Plan of Land dated rev. 6-18-2015 (hereby incorporated by reference) The Board was asked to consider footnote 1 of the Table of Dimensional and Density Regulations to allow the front setback to be equivalent to abutting properties within 250-feet.

Attorney Kallman spoke to his conversations with the Planning Director concerning a proposed amendment to Section VI. I, which would give the Planning Board special permit granting authority for cases where certain conditions exist to allow the underlying setback requirements to control, provided that by doing so a proposed structure would not be detrimental to the neighborhood.

Mr. Cummings then address some issues from the last meeting; there would be a deep stone infiltration system for drainage, no gutter, the drive would be stone and plumbing would be for a cold water spigot only. The layout of the barn was discussed and Mr. Cummings measured 120-feet from the dwelling to the right back corner of the house. The revised plan shows the 34' X 60' barn was moved 13-feet to attain 64-feet from the front lot line.

Discussion took place regarding the uses of the barn; primarily to store items customary found in a residential garage, various vehicles and personal items; there will be no plumbing services connected to the garage (other than a cold water spigot). Mrs. Cayer remarked that at one time there were horses on the property and there may be horses in the future.

Chairman Gambale spoke to footnote 5 to the Table of Dimensional and Density Regulations that restricts the distance from the property line to buildings that house animals. The Petitioners were urged to consider re-locating the barn rather than returning at a further time to request relief to meet the criteria. Discussion took place and the Board found that the use is specifically for storage not for livestock, and if there is a change in use, the Petitioner will have to come back to the ZBA to modify the Special Permit.

As there were no further comments from abutters or others, Mr. Fierro closed the public hearing. Mr. Gambale seconded, the motion passed unanimously.

Mr. Fierro reviewed and the Board found the criteria for a Special Permit XI.J and found the application to be complete, providing sufficiently detailed information; specifically, various vehicles would be stored inside; no toilet, no hot water service; design is compatible with neighborhood; no negative impacts on the natural environment.

Mr. Fierro reviewed and the Board made specific finding under section VI.F Requirements for Accessory Buildings and Structures. No parking issues; electric upgrade is nominal; design is in character and harmony with the neighborhood; materials architectural plans support design and construction; no metal roof; no negative impacts upon the environment; proposed structure would not be detrimental to the neighborhood.

Mr. LeBlanc identified plans for reference: Plot Plan of Land at 3 Cayer Way in Ipswich, Mass dated 6.18.15 and Building Plans Cummings Architects Cayer Barn dated 4.23.15

MOTION:

Mr. LeBlanc moved to grant the Special Permit to allow construction of a barn no closer than 64-feet from the front lot line as shown on plans submitted this evening, referenced (above) use for storage and any modification or changes in use must come back to ZBA. Materials for driveway allow for drainage and prevention of dust, as shown on the plans; utilities underground electrical to the barn and cold water spigot only, no other plumbing. Mr. Gambale seconded, the motion was unanimous with a roll call vote. Gambale, yes; LeBlanc, yes; Fierro, yes; Vlahos, yes and Tragert, yes.

(hereby incorporated by reference) Petition and associated documentation; Plot Plan of Land at 3 Cayer Way in Ipswich, Mass dated 6.18.15 and Building Plans Cummings Architects Cayer Barn dated 4.23.15

New Business ~ Reorganization of the Board

Mr. Fierro moved to nominate Mr. Gambale as Chair. Mr. LeBlanc seconded. As there were no other nominations, the motion passed unanimously.

Mr. LeBlanc moved to nominate Mr. Fierro as Vice Chair. Mr. Tragert seconded. As there were no other nominations, the motion passed unanimously.

Approval of Minutes –

Mr. Gambale moved to approve meeting minutes of 5.21.2015. Mr. Fierro seconded, the motion passed unanimously. *(meeting minutes hereby incorporated by reference)*

Adjourn - As there was no further business, the Board unanimously voted to adjourn at 9:27 p.m. ~ M. Rodgers